

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ROCHE FREEDMAN LLP,

Plaintiff,

v.

JASON CYRULNIK,

Defendant

No. 1:21-cv-01746-JGK-SN

JASON CYRULNIK,

Counterclaim-Plaintiff,

v.

ROCHE FREEDMAN LLP, KYLE ROCHE, DEVIN  
FREEDMAN, AMOS FRIEDLAND, NATHAN  
HOLCOMB, and EDWARD NORMAND,

Counterclaim-Defendants.

**NON-PARTY ATTORNEY  
MARK D. RICHARDSON'S NOTICE OF JOINDER TO JEROEN VAN KWAWEGEN'S  
MOTION TO QUASH AND FOR A  
PROTECTIVE ORDER PREVENTING HIS DEPOSITION**

PLEASE TAKE NOTICE that Non-Party Attorney Mark D. Richardson ("Richardson") joins in Non-Party Attorney Jeroen van Kwawegen's Motion to Quash the Notice of Deposition Duces Tecum and for a protective order preventing his deposition (ECF Nos. 226, 227, 228, 229) for all the reasons stated therein.

On August 24, 2022, Richardson was served with a Notice of Deposition Duces Tecum seeking a discovery deposition in this Action (the "Subpoena") regarding Defendant Jason

Cyrulnik's behavior in a completely unrelated case pending in Delaware Chancery Court captioned *In re Straight Path Communications Inc. Consolidated Stockholder Litigation*, C.A. No. 2017-0486-SG) ("*Straight Path*"). Like Mr. van Kwawegen (who was served with a subpoena duces tecum in this Action on August 17, 2017), Richardson is Defendant Cyrulnik's opposing counsel in *Straight Path*. There, Richardson is one of the lead trial lawyers representing the Lead Plaintiff and the already-certified Class of Straight Path stockholders alleging that Cyrulnik's clients breached their fiduciary duties.

As explained in Mr. van Kwawegen's Motion, the Subpoena should be quashed for three reasons: (1) the testimony sought is not relevant to the underlying dispute between Cyrulnik and his former law firm, Roche Cyrulnik Freedman LLP; (2) the extreme burden and prejudice that the Subpoena imposes on Richardson, the Lead Plaintiff, and the certified Class far outweigh any minimal relevance his testimony might provide; and (3) the information sought by the Subpoena is largely duplicative of the extensive judicial record in the Delaware case that is available to the parties in this Action.

For these reasons, and for all of the other reasons stated in Mr. van Kwawegen's Motion, Non-Party Attorney Mark D. Richardson respectfully moves this Court to quash the Subpoena and issue a protective order preventing his deposition.

Dated: August 30, 2022  
New York, New York

Respectfully submitted,

**LABATON SUCHAROW LLP**

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*Attorney for Mark D. Richardson*